

**To:** Wharton, Steve[Wharton.Steve@epa.gov]  
**Cc:** Wall, Dan[wall.dan@epa.gov]; Fagen, Elizabeth[Fagen.Elizabeth@epa.gov]; Spence, Sandra[Spence.Sandra@epa.gov]; Garcia, Bert[Garcia.Bert@epa.gov]  
**From:** Moon, Dave  
**Sent:** Tue 9/22/2015 5:04:44 PM  
**Subject:** RE: Draft ARSG Letter to WQCC

Steve

That makes sense to me. The ambient data and feasibility work will be a big help with the WQS review. Keep in mind that the ARSG and WQCD (HMWMD?) might have independent and different proposals, or proposals that are alike in some ways but different in others. Colorado's WQS review process allows for 3<sup>rd</sup> parties to propose revisions, so the ARSG might elect to avail themselves of that opportunity. That's what happened in 2001. The current numeric standards are based on an analysis that assumed a treatment plant was infeasible, so that's an issue that might change the equation on what is feasible to achieve. Setting that aside, all of the other assumptions also could be reviewed and updated.

thanks

Dave

**From:** Wharton, Steve  
**Sent:** Tuesday, September 22, 2015 10:49 AM  
**To:** Moon, Dave  
**Cc:** Wall, Dan; Fagen, Elizabeth; Spence, Sandra; Garcia, Bert  
**Subject:** RE: Draft ARSG Letter to WQCC

Dave – I didn't have any specific issues for the October hearing. To the extent that the Post-Incident Gold King Mine Long-Term Monitoring Plan attempts to identify goals for the Animas River watershed, those goals should be compatible with the state's rulemaking for the San Juan basin. Since Colorado is a participant in the development of the L-T Monitoring Plan, we can hope that the Water Division would identify any issues arising out of the Gold King Mine release and associated response that would influence the standards setting process for Reg 34 independent of any issues/proposals from ARSG.

Thanks,  
Steve

**From:** Moon, Dave

**Sent:** Tuesday, September 22, 2015 10:09 AM  
**To:** Wharton, Steve; Spence, Sandra; Garcia, Bert  
**Subject:** RE: Draft ARSG Letter to WQCC

Steve –

The October Issues Scoping hearing is what Colorado calls an “informational” hearing where parties submit information about WQS issues they consider to be priorities for the upcoming triennial review of Reg 34 (San Juan basin) and 35 (Gunnison basin). It’s an early step in the WQS review, and no rule changes will be adopted. It’s appropriate for the ARSG to submit the information regarding their interest in updating the WQS for the upper Animas. Typically various parties submit letters (the WQCD will submit a more detailed statement). The process encourages discussion and coordination to happen, moving forward, and helps the Division understand what issues are on the radar screen.

For Issues Scoping hearings such as the one next month, EPA typically submits mostly boiler plate comments to encourage a comprehensive WQS review for all segments in both basins. If there are unresolved EPA disapproval actions, we typically submit comments and suggestions specific to those segment-specific issues. Currently there are no unresolved EPA disapprovals in Reg 34/35.

In November of next year, there will be a Reg 34/35 Issues Formulation hearing, which is again informational. Parties will be expected to submit more detailed information about the issues and WQS revisions they expect to propose for adoption, and the WQCC decides whether each issue is “ripe” for inclusion in the scope of the rulemaking.

The rulemaking process will happen in 2017, and the rulemaking hearing will be in June of 2017. All parties including EPA will have a chance to review proposals and submit comments. The 2017 hearing is where the WQCC will have an opportunity to adopt revised WQS.

What did you have in mind for the Issues Scoping hearing next month? Would you like to see our draft comment letter?

Dave

**From:** Wharton, Steve  
**Sent:** Tuesday, September 22, 2015 9:21 AM  
**To:** Spence, Sandra; Garcia, Bert  
**Cc:** Moon, Dave  
**Subject:** FW: Draft ARSG Letter to WQCC

Sandy & Bert – You may already know about this, but I wanted to make sure you saw the attached letter. It would be good to coordinate on the October WQCC hearing mentioned in the letter.

Thanks,  
Steve

**From:** Wall, Dan  
**Sent:** Tuesday, September 22, 2015 7:34 AM  
**To:** Hestmark, Martin; Wharton, Steve  
**Cc:** Fagen, Elizabeth; Spence, Sandra  
**Subject:** FW: Draft ARSG Letter to WQCC

I wanted to make sure you all saw this.

**From:** Lewis, Brent [<mailto:b1lewis@blm.gov>]  
**Sent:** Tuesday, September 22, 2015 7:24 AM  
**To:** Schmittiel, Paula; Wall, Dan; Fagen, Elizabeth; Way, Steven  
**Subject:** Fwd: Draft ARSG Letter to WQCC

Hey Everyone,

This is interesting. Why isn't EPA cc'd on this stuff?

----- Forwarded message -----

From: **Peter Butler** <[butlerpeter2@gmail.com](mailto:butlerpeter2@gmail.com)>

Date: Mon, Sep 21, 2015 at 11:43 AM

Subject: Draft ARSG Letter to WQCC

To: Doug Ramsey <[laplatafarms@gobrainstorm.net](mailto:laplatafarms@gobrainstorm.net)>, Andrew Parker <[andrew@source3.com](mailto:andrew@source3.com)>, Andrew Ross <[andrew.ross@state.co.us](mailto:andrew.ross@state.co.us)>, Anglo Saxon Properties <[anglo-saxon@cox.net](mailto:anglo-saxon@cox.net)>, Ann Oliver <**Personal Email/Ex. 6**>, Anthony Edwards <[anthony.edwards@sjlollc.com](mailto:anthony.edwards@sjlollc.com)>, Barb Hite <**Personal Email/Ex. 6**>, Barb Horn <[barb.horn@state.co.us](mailto:barb.horn@state.co.us)>, Barbara Nabors <[barbara.nabors@dphe.state.co.us](mailto:barbara.nabors@dphe.state.co.us)>, Ben Markus <[bmarkus@cprmail.org](mailto:bmarkus@cprmail.org)>, Bill Jones <[billjones@frontier.net](mailto:billjones@frontier.net)>, Bob Boeder <**Personal Email/Ex. 6**>, Bob Owen <**Personal Email/Ex. 6**>, Bonie Pate <[bonie.pate@state.co.us](mailto:bonie.pate@state.co.us)>, Brent Lewis <[bllewis@blm.gov](mailto:bllewis@blm.gov)>, Bruce Stover <[bruce.stover@state.co.us](mailto:bruce.stover@state.co.us)>, Bryce Staley <**Personal Email/Ex. 6**>, Buck Skillen <[fpope@bresnan.net](mailto:fpope@bresnan.net)>, Camille Price <[camille.price@state.co.us](mailto:camille.price@state.co.us)>, Camille Richard <[c.richard@lfvc.org](mailto:c.richard@lfvc.org)>, Carolyn Miller <**Personal Email/Ex. 6**>, Chase McAllister <**Personal Email/Ex. 6**>, Cheryl Meadows <[cheryl@canyonviewmotel.com](mailto:cheryl@canyonviewmotel.com)>, Chester Anderson <**Personal Email/Ex. 6**>, Chris Jaquette <[chris.jaquette@mountainmiddleschool.org](mailto:chris.jaquette@mountainmiddleschool.org)>, Chris Peltz <**Personal Email/Ex. 6**>, Chris Tookey <[chris@frontier.net](mailto:chris@frontier.net)>, Chuck Wanner <[cwanner@frontier.net](mailto:cwanner@frontier.net)>, Conn Frasier <[sanjuanwatershedgroup@gmail.com](mailto:sanjuanwatershedgroup@gmail.com)>, Curtis Hartenstine <**Personal Email/Ex. 6**>, Dale Rodebaugh <[daler@durangoherald.com](mailto:daler@durangoherald.com)>, Dan Bechtel <[dan@durangorafting.com](mailto:dan@durangorafting.com)>, Dan Randolph <**Personal Email/Ex. 6**>, Daninne Egizio <**Personal Email/Ex. 6**>, Darlene Marcus <[darlene.marcus@mail.house.gov](mailto:darlene.marcus@mail.house.gov)>, Dave Myers <[dmyers@sovcon.com](mailto:dmyers@sovcon.com)>, Dave Wegner <[david.wegner@mail.house.gov](mailto:david.wegner@mail.house.gov)>, David Heinze <[dheinze@environcorp.com](mailto:dheinze@environcorp.com)>, Debbie Cokes <[debbiecokes@montrose.net](mailto:debbiecokes@montrose.net)>, Devon Horntvedt <**Personal Email/Ex. 6**>, Dick Reitz <[dick.reitz@att.net](mailto:dick.reitz@att.net)>, Don Bachman <**Personal Email/Ex. 6**>, Don Gordon <[gordon\\_d@fortlewis.edu](mailto:gordon_d@fortlewis.edu)>, Doug Jamison <[dciamiso@cdphe.state.co.us](mailto:dciamiso@cdphe.state.co.us)>, Doug Yager <[dyager@usgs.gov](mailto:dyager@usgs.gov)>, Dylan Eiler <**Personal Email/Ex. 6**>, Ed Epp <[edward.g.epp@bhpbilliton.com](mailto:edward.g.epp@bhpbilliton.com)>, Eddie Renoux <**Personal Email/Ex. 6**>, Elizabeth Russell <[ERussell@tu.org](mailto:ERussell@tu.org)>, Elyse Parcell <[EDPARCELL@fortlewis.edu](mailto:EDPARCELL@fortlewis.edu)>, Eric Kern <[ekern@golder.com](mailto:ekern@golder.com)>, Frank Baumgarner <[fwbsenior@msn.com](mailto:fwbsenior@msn.com)>, Gene Larson <**Personal Email/Ex. 6**>, Grady Ham <**Personal Email/Ex. 6**>, Greg Etter <[Greg.Etter@kinross.com](mailto:Greg.Etter@kinross.com)>, Gwen Lachelt <[Gwen.Lachelt@co.laplata.co.us](mailto:Gwen.Lachelt@co.laplata.co.us)>, Helen Hunzicker-Hunt <**Personal Email/Ex. 6**>, Jacob Waples <[jwaples@golder.com](mailto:jwaples@golder.com)>, Jan MayerGawlik <[Jan.MayerGawlik@co.laplata.co.us](mailto:Jan.MayerGawlik@co.laplata.co.us)>, Jason Willis <[JWillis@tu.org](mailto:JWillis@tu.org)>, Jeff Ruppeyut <[Jeff@odiseanet.com](mailto:Jeff@odiseanet.com)>, Jen Ader <[jen@silvertontmountain.com](mailto:jen@silvertontmountain.com)>, Jennifer Beck <[Jennifer.Beck@ch2m.com](mailto:Jennifer.Beck@ch2m.com)>, Jennifer Lane <[Lane.Jennifer@epamail.epa.gov](mailto:Lane.Jennifer@epamail.epa.gov)>, Jennifer Thurston <[jennifer@informcolorado.org](mailto:jennifer@informcolorado.org)>, Jim Bush <[james.bush@ch2m.com](mailto:james.bush@ch2m.com)>, Jim White <[j.white@state.co.us](mailto:j.white@state.co.us)>, Jimbo Buickerood <[jimbo@sanjuancitizens.org](mailto:jimbo@sanjuancitizens.org)>, Joe Lewandowski <[joe.lewandowski@state.co.us](mailto:joe.lewandowski@state.co.us)>, John Ballew <**Personal Email/Ex. 6**>, John Ferguson <[jferguson@cologold.com](mailto:jferguson@cologold.com)>, John Ott <[manager@animaswatercompany.com](mailto:manager@animaswatercompany.com)>, Judy Zimmerman <**Personal Email/Ex. 6**>, Julie Ash <[jeash@walshenv.com](mailto:jeash@walshenv.com)>, Katie Walton-Day <[kwaltond@usgs.gov](mailto:kwaltond@usgs.gov)>, Ken Morrow <**Personal Email/Ex. 6**>, Ken Portz <**Personal Email/Ex. 6**>, Kevin deKay <[kdekay@silvertonschool.org](mailto:kdekay@silvertonschool.org)>, Kevin Roach <[kevin.roach@kinross.com](mailto:kevin.roach@kinross.com)>, Kirstin Brown <[Kirstin.Brown@state.co.us](mailto:Kirstin.Brown@state.co.us)>, Klem Branner <[klem@venturesnowboards.com](mailto:klem@venturesnowboards.com)>, Kurt Johnson <[kurt@tellurideenergy.com](mailto:kurt@tellurideenergy.com)>, Larry Perino <[larry.perino@kinross.com](mailto:larry.perino@kinross.com)>, Libby Gobble <[emgobble@fortlewis.edu](mailto:emgobble@fortlewis.edu)>, Lisa Richardson <[lrichard@blm.gov](mailto:lrichard@blm.gov)>, Lucy Hunter <[lucy@odiseanet.com](mailto:lucy@odiseanet.com)>, Marcie Bidwell <[marcie@mountainstudies.org](mailto:marcie@mountainstudies.org)>, Mark Esper <[editor@silvertonstandard.com](mailto:editor@silvertonstandard.com)>, Matthew Clark

<m.clark@tu.org>, Melody Skinner <Personal Email/Ex. 6> Nicoll MacRae  
Personal Email/Ex. 6 Peggy Linn <linn.peggy@epa.gov>, Pete McKay  
Personal Email/Ex. 6 Peter Miesler <Personal Email/Ex. 6> Rachel Hoffman  
<healthyanimas.awp@gmail.com>, Rick Helmick <Personal Email/Ex. 6> Rob Robinson  
<Personal Email/Ex. 6> Ian Driscoll <driscollr1@mail.montclair.edu>, Sabrina Forrest  
<Forrest.Sabrina@epamail.epa.gov>, Steve Fearn <Personal Email/Ex. 6> Terry Morris  
<Personal Email/Ex. 6>  
Cc: Peter Butler <Personal Email/Ex. 6>

Dear Stakeholders – Attached is a draft letter to the Colorado Water Quality Control Commission (WQCC) for its upcoming Issues Scoping Hearing in Oct. WQCC holds two hearings prior to its basin rulemaking hearing which is on a five year cycle. In other words, every five years WQCC holds a rulemaking on standards in the San Juan and Dolores River basins.

The Issues Scoping Hearing is designed to meet the requirements of the Clean Water Act to review water quality standards every three years. It is short, perfunctory meeting that allows people to know who might be proposing what at the rulemaking hearing in June 2017. The hearing may last less than an hour, and the commission generally takes no action.

The next WQCC meeting on our basin will be the Issues Formulation Hearing in Nov. 2016 at which time WQCC will decide what issues it is willing to address at the rulemaking the next June.

If you have any questions or comments about the letter or process, please let me know. We will discuss it briefly at tomorrow night's meeting.

Peter Butler

970-259-0986

Cell 970-317-0584

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Brent Lewis

BLM's Colorado State Office

Abandoned Mine Land Program Lead

2850 Youngfield Street

Lakewood, CO 80215

ph: 303.239.3711

email: [bllewis@blm.gov](mailto:bllewis@blm.gov)